

REMARKS

This paper is presented in response to the official action mailed May 3, 2007. Claims 1 and 4 are amended, claims 5-17 are canceled and claims 18-25 are new. Support for the amendments to claims 1 and 4 and new claims 18-24 may be found in the specification and claims as originally filed. For example, support may be found in paragraphs [0049] and [0050] of the specification. No new matter is added. Thus, claims 1-4 and 18-25 are pending and at issue.

The applicants thank the examiner for his acknowledgement of allowable subject matter recited in claim 4. By this amendment, claim 4 is rewritten in independent form incorporating all of the limitations of the claims from which it previously depended. As a result, the applicants respectfully request allowance of claim 4 in the next official action.

Election/Restriction

The applicants hereby elect claims 1-4 as originally filed for prosecution. Claims 1-4 correspond to alleged invention I (claims 1-11 and 14-18) and alleged species A (Figs. 1-8, 13, and 14) as defined in the official action. This election was made without traverse during a telephone conversation between Examiner Truong and Michael Chinlund on April 26, 2007. By this amendment claims 5-17 are canceled without prejudice. The applicants reserve the right to pursue the subject matter recited in claims 5-17 in one or more continuation applications.

35 U.S.C. § 112 Rejections

The applicants respectfully traverse the rejection of claims 1-4 as allegedly indefinite. Claim 1 is amended to correct a typographical error. The applicants respectfully submit that claims 1-4 were not indefinite under 35 U.S.C. §112, however, because a claim is considered definite as long as "the scope of the claims is clear so the public is informed of the boundaries of what constitutes infringement of the patent." *See* M.P.E.P. §2173. Nevertheless, the rejections of claims 1-4 for indefiniteness should be withdrawn in view of the amendment to claim 1 presented herein.

35 U.S.C. § 102 Rejections

The applicants respectfully traverse the rejection of claims 1-3 as anticipated by U.S. Patent No. 5,562,641 to Flomenblit et al. ("Flomenblit"). Each of claims 1-3 now recites a

stent assembly comprising a measuring device. Flomenblit fails to disclose a measuring device of any sort.

Flomenblit discloses a two way shape memory alloy medical stent. The shape memory alloy stent has two different material states, one in which the material is soft and another in which the material is "super-elastic." *See* Flomenblit, col. 3, lines 2-6. The stent changes its state based on temperature. For example, when the stent material rises above a first transition temperature, the stent assumes its "super-elastic" state. Likewise, when the stent material falls below a second transition temperature, the stent assumes its "soft" state. *See* Flomenblit col. 3, lines 39-45. While Flomenblit discloses elevating the stent temperature above the first transition temperature by passing an electrical current through the stent (*see* Flomenblit, col. 4, lines 59-62), there is no teaching or suggestion that the electrical current should be measured after passing through the stent. Moreover, because the sole purpose of passing current through the stent is to heat the stent material above the first transition temperature, one skilled in the art would have no motivation to modify the Flomenblit stent to include a measuring device. Thus, Flomenblit fails to teach or suggest a measuring device of any sort, let alone measuring electrical current and/or voltage between contacts on a stent and the rejection of claims 1-3 should be withdrawn.

An advantage of measuring the electrical current and/or voltage passing through the stent is that the integrity of the stent may be verified. As discussed in paragraph [0049] of the instant application, a change of resistance between contacts on the stent may indicate degradation of the stent and danger of possible failure. After determining a change in resistance by measuring the electrical current or voltage, preemptive measures may be taken to ensure that the stent does not fail while inside a vessel of a patient. Such failures could cause serious injury to the patient. As a result, measuring electrical current and/or voltage between contacts on a stent, as recited in each of the pending claims, produces an important advantage over prior art stents such as the stent disclosed in Flomenblit.

Conclusion

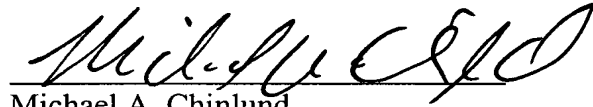
This paper is timely filed as a petition for a one month extension of time and the required fee are enclosed. No other fees are believed due. However, the Director is hereby authorized to charge any fees which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 13-2855, under Order No. 30487/38612A. A duplicate copy of this paper is enclosed.

Should the examiner have any questions, the examiner is respectfully invited to telephone the undersigned.

Respectfully submitted,

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By:



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